
WELSH STATUTORY INSTRUMENTS

2018 No. 191

The Education (Student Support) (Wales) Regulations 2018

PART 4

KEY CONCEPTS

CHAPTER 2

ELIGIBILITY

SECTION 1

Eligible students

Eligible students - exceptions

10.—(1) A person (“P”) is not an eligible student if any of the following exceptions applies—

Exception 1

Where the designated course is a full-time course, an award within the meaning of the Education (Mandatory Awards) Regulations 2003(1) has been bestowed on P in respect of the course.

Exception 2

Where the designated course is a full-time course, P is eligible for a loan in relation to an academic year of the designated course under the Education (Student Loans) (Northern Ireland) Order 1990(2).

Exception 3

In respect of P undertaking the designated course, P has been bestowed or paid—

(a) where the course is a full-time course—

- (i) a healthcare bursary, the amount of which is not calculated by reference to P’s income (unless it is a bursary grant for living costs), or
- (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(3);

(b) where the course is a part-time course—

- (i) a healthcare bursary (whether or not calculated by reference to P’s income),

(1) S.I. 2003/1994, amended by SI 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2005/3482, S.I. 2006/930, S.I. 2007/1629, S.I. 2008/1477, S.I. 2010/1142 (W.101), S.I. 2010/1172, S.I. 2011/1043, S.I. 2014/107, S.I. 2016/211 and the Education Act 2005 section 74.

(2) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (N.I.1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.

(3) S.S.I. 2007/151 as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2017/180.

- (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, or
- (iii) a Scottish healthcare allowance (whether or not calculated by reference to P's income).

Exception 4

P is in breach of an obligation to repay a student loan.

Exception 5

P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

Exception 6

The Welsh Ministers think that P's conduct is such that P is not fit to receive support.

Exception 7

P is a prisoner.

But P may be an eligible student despite being a prisoner if—

- (a) P's application for support is in respect of the academic year during which P enters or is released from prison,
- (b) P's present course is a full-time end-on course, or
- (c) P has been authorised by the prison Governor or Director or other appropriate authority to study the present course and P's earliest release date is within 6 years of the first day of the first academic year of the course.

10.—(2) In Exception 3, “bursary grant for living costs” is a grant for living costs made available under the NHS Wales Bursary Scheme.

(3) In Exceptions 4 and 5, “student loan” means a loan made under—

- (a) the Education (Student Loans) Act 1990⁽⁴⁾;
- (b) the Education (Scotland) Act 1980;
- (c) the Education (Student Loans) (Northern Ireland) Order 1990⁽⁵⁾;
- (d) the Education (Student Support) (Northern Ireland) Order 1998⁽⁶⁾;
- (e) regulations made under any of those Acts or Orders;
- (f) these Regulations or any other regulations made under the 1998 Act.

(4) In these Regulations—

“healthcare bursary” (“*bwrsari iechyd*”) means a bursary or award of similar description under—

- (a) section 63(6) of the Health Services and Public Health Act 1968⁽⁷⁾, but not a payment made out of the Learning Support Fund;
- (b) Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁸⁾;

(4) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, with savings *see* the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C. 46).

(5) S.I. 1990/1506 (N.I. 11) amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.

(6) S.I. 1998/1760 (N.I. 14).

(7) 1968 c.46.

(8) S.I. 1972/1265 (N.I. 14).

“Learning Support Fund” (“*Cronfa Cymorth Dysgu*”) means the fund made available by NHS England to certain students in respect of qualifying healthcare courses;

“Scottish healthcare allowance” (“*lwfans gofal iechyd yr Alban*”) means an allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980⁽⁹⁾ granted in respect of P attending a course leading to a qualification in a healthcare profession other than that of a medical doctor or dentist.

⁽⁹⁾ 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), section 82 and Schedule 10, paragraph 8(17).